

# COMPLAINT

## EXHIBIT D



BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON, DC

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September 19, 2007

**VIA FEDEX**

Mr. Jay D. Gilbert  
CEO  
Grand Knitting Mills, Inc.  
7050 New Horizons Blvd.  
Amityville, NY 11701

Re: Infringement of Gerson & Gerson, Inc.'s Copyright  
Client-Matter No. 406989.115630

Dear Mr. Gilbert:

We are intellectual property counsel to Gerson & Gerson, Inc. ("Gerson"). As you may know, Gerson is a prominent designer of elegant and affordable dresses for young girls. Gerson is also the owner of the "Daisies and Bees Applique and Embroidery" fabric design (the "Fabric Design"). A copy of a Gerson dress reflecting the Fabric Design is attached as Exhibit A for your reference.

It has recently come to our client's attention that Grand Knitting Mills is manufacturing and selling a dress under its "Blueberi Boulevard" label which reflects a design that is substantially and/or confusingly similar to Gerson's Fabric Design. The label attached to your dress indicates style number KOB31984 (the "Infringing Design"). A copy of the "Blueberi Boulevard" dress reflecting the Infringing Design is attached as Exhibit B. Even a cursory review of the similarities of the respective fabric designs indicates that the Infringing Design is a willful copy of Gerson's Fabric Design.

Accordingly, Grand Knitting Mills' manufacture and sale of clothing with the Infringing Design constitutes a violation of at least the United States Copyright Act, 17 U.S.C. § 101 *et seq.*, and the Lanham Act, 15 U.S.C. §§ 1116 and 1125. Such actions may therefore subject Grand Knitting Mills to preliminary and permanent injunctions, as well as a variety of monetary damages including Gerson's actual damages, attorneys fees and costs, and an accounting of any profits realized by your company. Additionally, in view of the apparently willful nature of Grand Knitting Mills' conduct, such damages may be trebled.

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In order to reach an amicable resolution of this matter, please provide written assurance that Grand Knitting Mills will immediately cease, and permanently refrain from, any manufacture, distribution, marketing, sale, or offering for sale of any clothing reflecting the Infringing Design or any other design substantially or confusingly similar to the Fabric Design.

Furthermore, please also provide us with (1) the identity of all customers to whom Grand Knitting Mills has sold, offered to sell, or marketed clothing bearing the Infringing Design; (2) the amount of Grand Knitting Mills' sales, by year, in terms of revenue, gross profits, and net profits of clothing reflecting the Infringing Design; (3) the amount of Grand Knitting Mills' sales, in terms of units sold, of clothing reflecting the Infringing Design; and (4) the identity of all parties associated with the manufacture, importation, exportation, promotion and/or sale of clothing reflecting the Infringing Design.

Please let us have Grand Knitting Mills' response by no later than **October 3, 2007**. The foregoing is without prejudice to any of our client's rights or remedies, all of which are expressly reserved.

Very truly yours,



Marc A. Lieberstein

Enclosures

cc: Gerson & Gerson, Inc.  
Barry Benjamin, Esq.

# EXHIBIT A



Gerson's Fabric Design

# EXHIBIT B



Grand Knitting Mills  
Infringing Design